

**COMMONWEALTH OF VIRGINIA
STATE WATER CONTROL BOARD**

**NOTICE OF SUSPENSION OF EFFECTIVE DATE AND REOPENING OF
PUBLIC COMMENT PERIOD FOR PROPOSED REGULATIONS:
Regulation for Nutrient Enriched Waters and Dischargers within the Chesapeake
Bay Watershed (9 VAC 25-40), and
Water Quality Management Planning Regulation (9 VAC 25-720)
July 25, 2005**

Notice is hereby given that on June 28, 2005, the State Water Control Board adopted revisions to the Regulation for Nutrient Enriched Waters and Dischargers within the Chesapeake Bay Watershed (9 VAC 25-40) and the Water Quality Management Planning Regulation (9 VAC 25-720), and that the Board suspended the effective date of this regulatory action under Section 2.2-4015.A.4 of the Virginia Administrative Process Act to allow time for a 30-day public review and comment period on changes made since the original proposals were released on February 21, 2005. **THE BOARD IS RECEIVING COMMENT ONLY ON THE CHANGES THAT HAVE BEEN MADE TO MAKE THE REGULATIONS FINAL. THESE CHANGES ARE SHOWN IN BRACKETS “[]” IN THE FINAL VERSION OF THE REGULATIONS PUBLISHED IN THE VIRGINIA REGISTER.**

SUMMARY OF REGULATIONS

1. Regulation for Nutrient Enriched Waters and Dischargers within the Chesapeake Bay Watershed (9 VAC 25-40): Revise the existing Point Source Policy for Nutrient Enriched Waters, to conform to provisions of the *2005 Nutrient Credit Exchange Program* legislation (Code of Virginia, Chap. 3.1, Title 62.1, §62.1-44.19:12-19:19), and as appropriate establish authority for technology-based, annual average total nitrogen and total phosphorus concentration requirements for certain dischargers located in Virginia's Chesapeake Bay watershed.
2. Water Quality Management Planning Regulation (9 VAC 25-720): Establish total nitrogen and total phosphorus annual waste load allocations for certain dischargers within Virginia's portion of the Chesapeake Bay Watershed. In addition, present implementation items related to trading and offsets and conform to provisions enacted by the *2005 Nutrient Credit Exchange Program* legislation (Code of Virginia, Chap. 3.1, Title 62.1, §62.1-44.19:12 - 19:19), to assist in the achievement and maintenance of the waste load allocations.

PUBLIC PARTICIPATION AND CONTACT INFORMATION: In addition to comments on changes made since the original proposals were released for public review and comment on February 21, 2005, the Board is seeking comments on the costs and benefits of the proposal.

Anyone wishing to submit written comments for the public comment file may do so at the public meeting or by mail, email or fax to Department of Environmental Quality, P.O.

Box 10009, Richmond, VA, 23240-0009 (c/o John Kennedy), (804) 698-4312, fax (804) 698-4116, email jmkennedy@deq.virginia.gov . Written comments (including email) must include the name and address of the commenter. In order to be considered comments must be received between July 25, 2005 and August 24, 2005.

A public meeting will be held at the following location: DEQ Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia 23060, (804) 527-5020, on August 11, 2005 at 10:00 AM.

The meeting will be held at a public facility accessible to persons with disabilities. Any person with questions on the accessibility of the facilities should contact John Kennedy at the address or phone numbers below. Persons who wish to request interpreter services for the deaf must notify John Kennedy no later than July 20, 2005.

Public comment will be accepted until 5:00 PM, August 24, 2005.

OTHER INFORMATION: Copies of the amended regulations, summary of comments received on the original proposals and agency response, the presentation materials used at the State Water Control Board's June 28, 2005 meeting, and the river basin-individual facility waste load allocations may be obtained from the contact person above or at this DEQ webpage: <http://www.deq.state.va.us/bay/multi.html>.